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ABSTRACT

The Violent and Repeat Juvenile Offender Act of 1997 (S-10) was to be debated in the Senate in spring 1998. This bill would blur the distinction between juvenile and adult criminal systems, making it easier to imprison children as young as 14. Supporters of S-10 were citing statistics to indicate that juvenile crime was on the rise. In fact, the bill, if passed, would place teens arrested for robbery in the same conditions of confinement as runaways, closer to adult felons in county jails. This report analyzes data from the Federal Bureau of Investigation to show that most children being arrested are arrested for petty crimes, and that violent offenses among youth are not increasing. In fact, the Attorney General announced in October 1997 that juvenile crime was on the decline. According to the findings of the report, the approach pending before the Senate is too far removed from the current context of juvenile crime to meet the needs of U.S. children and the wide social need for public safety. (Contains 35 endnotes.) (SLD)

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by Jason Ziedenberg and Vincent Schiraldi

Research in Brief
The Justice Policy Institute
March 1998

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RESEARCH IN BRIEF

Runaway Juvenile Crime?:

The context of juvenile arrests in America

by Jason Ziedenberg and Vincent Schiraldi

The number of homicide arrests have declined by 30% over the last three years. A new JPI analysis of the 1995 FBI data showed that 85 % of the counties in America experienced no juvenile homicides, and 93.4% experienced one, or no juvenile homicides.

Recent data shows America arrests kids for running away from home at 65 times the rate we arrest them for homicide. A new Senate bill may put 141,000 runaways at risks of being incarcerated next to adults, and could make that 4.5 million children eligible for expulsions.

"....[I]f you're in a classroom, [and] a few of them get whacked, the rest of them will get in line....."—Senator Jeff Sessions, co-sponsor the juvenile crime bill, from judiciary committee hearings, May 6, 1997[1]

Introduction and Analysis

On a Saturday night back in 1984, Kathy Robbins, a 15-year-old girl from Glenn County, California, was arrested for being in her town after curfew. She was taken in hand-cuffs to a 54-year-old cell in Glenn County's adult jail. Four days after she was arrested, at a juvenile court hearing, a judge refused to release her to a juvenile detention facility. On that day, still isolated and alone in an adult jail cell, Kathy Robbins twisted a bed sheet around her neck, and hanged herself from the rail of the top bunk bed.[2]

Robbins was one of six teenagers who took their lives in California jails between 1979 and 1984. The controversy surrounding her suicide culminated

in the passage of a California law in 1987 which forbade the detention of teenagers in the same jails as adults. Juvenile advocates at the time regarded the California legislation as "the most progressive law in the U.S. on this issue."[3] With the help of this California law and the 1973 federal Juvenile Justice Delinquency Prevention (JJDP) Act's prohibition against jailing runaways with adults, these kinds of horror stories have remained isolated events.

But kids arrested for running away from home, for curfew violations, shoplifting, and hundreds of thousands of other non-violent, petty offenses could lose these protections under new juvenile justice legislation before the Senate. Within weeks, the Senate is expected to debate the passage of *The Violent and Repeat Juvenile Offender Act of 1997 (S-10).* The Senate bill, like a version which passed the House last summer, will essentially blur the important distinctions between the juvenile and adult systems, making it easier to jail kids as young as 13 with adults and imprison children as young as 14.

Though studies show that kids are 8 times more likely to commit suicide and 5 times more likely to be raped when sent to adult institutions instead of juvenile detention, we are told that these safeguards must be removed in order to make room for growing number of violent teens on our streets.[4] "The [JJDP] plan was tailored towards kids who stole hubcaps and committed minor crimes, as was so often the case in the late 60s and mid-70s," says Sen. Jeff Sessions. "The 1974 plan was not geared towards the juveniles we are seeing today."[5]

In reality, supporters of S-10 are pulling statistics out of context in order to drive a hysterical sense that juvenile crime is on the rise. Take, for example, the data S.10 co-sponsors' Sen. Sessions and Sen. Orrin Hatch used in a letter they recently sent to their "Republican colleagues" in an effort to drum up support for this bill:

> "FBI data confirms the national problem of rampant juvenile violent crime. In 1996, juveniles accounted for nearly one-fifth—19 percent—of all criminal arrests in the United States. Persons under 18 committed 15 percent of all murders, 17 percent of all rapes, and 32.1 percent of all robberies. In 1996, juveniles age 15 to 19, who are only 7 percent of the population, committed 22.1 percent of all the crimes, 22.7 percent of all the violent crimes, and 32 percent of property crimes. These disturbing figures demonstrate the need to reform the juvenile justice system that is failing the victims of juvenile crime, failing too many of our young people, and ultimately, failing society.[6]"

Analysis of Republican Statistics.

Each point Sen. Sessions and Sen. Hatch use to suggest that "these disturbing figures demonstrate the need to reform the juvenile justice system " collapses under scrutiny:

Republican letter: *"In 1996, juveniles accounted for nearly one-fifth—19 percent—of all criminal arrests in the United States."*

The Facts: FBI data shows that juvenile criminal arrests as a percentage of all arrests are *down* from three decades ago. In 1969, 26 percent of all criminal arrests were people under 18.[7]

Republican letter: *"Persons under 18 committed 15 percent of all murders, 17 percent of all rapes, and 32.1 percent of all robberies."*

The Facts: Because teenagers are more likely to be arrested in groups for crimes then adults, a better measure of juvenile crime is the count of cleared (closed) cases. From the latest year's available data (1994), juveniles were responsbile for 10 percent of all murders cleared, 14 percent of rapes, and 20 percent of robberies.[8] The number of robbery arrests committed by juveniles dropped 16 percent between 1994 and 1996.[9]

Republican letter: *"In 1996, juveniles age 15 to 19, who are only 7 percent of the population, committed 22.1 pecent of all crimes, 22.7 percent of all the violent crimes, and 32 percent of property crimes."*

The Facts: Because S-10 has nothing to do with 18 and 19 year-olds. They are already be prosecuted as adults, and including them in the data set distorts the juvenile crime problem

There is virtually no change between the percentage of crimes committed by kids today, as compared to thirty years-ago. On average, juveniles accounted for 22 percent of violent crime arrests and one-quarter of all arrests between 1966 and 1973.[10] Furthermore, between 1994 and 1996, the total violent crime arrests of juveniles declined by 15 percent, and there was a 10 percent decline in property crime arrests.[11]

Methodology and Purposes

In spite of these myths, children's contacts with the law still primarily involve non-violent crimes and "status offenses"—victimless acts for which an adult could not be charged. The vast majority of juvenile arrests today are still for things like stealing hubcaps, loitering, and petty crimes. S.10 makes few distinctions between the 2,000,000 children[12] who were arrested last year for non-violent, or status offenses, and the 4.9 percent of teens arrested for a violent offense, when it comes to criminalizing them.[13]

In order to provide some context to the concerns driving this juvenile crime bill, the Justice Policy Institute conducted an analysis of the latest FBI data on juvenile arrests. We focused, primarily, on the last three annual "Crime in the United States: Uniform Crime Reports" (UCR) which show that an overwhelming majority of children being apprehended today are being arrested for petty crimes. Nevertheless, the Senate will place the teen arrested for robbery in the same conditions of confinement as runaways—namely, closer to adult felons in county jails. We also used Centers for Disease Control and National Institute of Health Data to show how many children are likely to be suspended under the bill's "Safer School's Act" for "regular" use of alcohol and tobacco.

Smoking and Drinking Suspensions: "Simply Bizarre."

"The Safer Schools Act of 1997," included in S-10 compels states that participate in new federal funding mandates to change their laws so that kids can be suspended for half a year for using "Tobacco products" on a "regular basis" on school property.[14] A survey of teen use of alcohol and tobacco provides a sense as to why a *Washington Post* editorial recently described this part of the bill as "simply bizarre."[15]

4.5 million children "regularly" use tobacco products, and 20 percent used alcohol: They all are at risk of six-month suspensions under S-10.

According to data compiled by the Substance Abuse and Mental Health Services Administration, *4.5 million children from ages 14-17 "regularly" use tobacco products.*[16] The Centers for Disease Control found that in 1993, 30 percent of kids in grades 9 through 12 reported smoking tobacco in the last 30 days and 11.5 percent reported using chewing tobacco.[17] Under S-10's suspension provisions, *a third of America's school aged population could be at risk of suspension.*

A recent National Institute of Health survey of drug use by high school seniors showed similar use for alcohol. Close to *20 percent of kids* between the ages of 12 and 17 reported using alcohol in the last month, [18]—placing 3.3 million children at risk of suspension (Thirty-five percent of kids this age report drinking in the last year). There seems to have been little consideration about what "the safer schools act" could really mean for communities— and how they could potentially have to eject millions of kids from schools.

Runaway Arrests on the Rise as Homicide arrests decline

The Senate's rationale for weakening the rules on sight and sound separation of kids in adults jails is based on the idea that law enforcement officials do not have the resources they need to detain violent teens in secure juvenile facilities. Those resources wouldn't be needed if we didn't arrest so many runaways.

America arrests kids for running away at *65 times* the rate we arrest them for homicide. Child homicide arrests have *declined 30%* since 1994.

In 1996, we arrested 141,844 children for running away from home, but only 2,172 kids were held for homicide.[19]: *We arrested children for running away at 65 times the rate we arrest them for murder. That's up significantly from five years ago, when we arrested runaways at 52 times the rate we arrested them for homicide.*[20]

In comparing runaway and homicide arrests, 1996 Uniform Crime Reports show a disturbing trend: While homicide arrests of children have been in a free-fall every year for the last three years, runaway arrests were either on the rise, or declined at a much slower rate.

The number of homicide arrests have declined by 30% over the last three years. [21] A new analysis of the 1995 FBI data showed that 85 % of the counties in America experienced no juvenile homicides, and 93.4% experienced one, or no juvenile homicides.[22]

The runaway data is especially discouraging for girls, who represent 57%, or 81,003 of the 141, 844 kids arrested for running away from home in 1996. A large number of these troubled girls are fleeing abusive households.[23] A recent survey of girls at a runaway shelter found that more than 70 percent of them said they were on the streets because they were leaving sexually abusive households (in that study, close to 40 percent of boys reported being on the run from sexual abuse).[24] Yet, under *The Violent and Repeat Juvenile Offender Act of 1997*, the law enforcement officials will be granted *new*

powers to jail runaways, curfew violators, and other status offenders with adults for up to 24 hours, or longer if their arrest falls on a weekend or a holiday. Ironically, these sexually abused runaways will face an exponentially higher risk of further abuse than if they were detained with other juveniles. Rather than getting runaways the intensive intervention and therapy services they are likely to need given the reasons most kids run away from home, we are risking more Kathy Robbins by the passage of this legislation.

Curfew and other non-violent arrests

The treatment of runaways is only one category of status offense that can see children come into contact with the justice system. Curfew laws were increasingly enacted or enforced across the country throughout the late 1980s and early 1990s. America arrested 142,433 children for "curfew and loitering" violations last year.[25] *As with runaways, we arrest 65 times as many children for curfew violations as for homicide.* ***Over the last three years, as juvenile homicide arrests declined 30%, and rape arrests declined 15% , curfew and loitering law arrests increased an astonishing 116%***[26]***.***

New data shows that most juvenile crime occurs before curfews start. Though most curfews do not take effect until after 11 p.m., a survey by Professor James Alan Fox of Northeastern University revealed that only 14.6% of violent juvenile crimes occur between 11 p.m. and 7 a.m. Close to 50% of these violent arrests happen between 2 p.m. and 8 p.m., when after-school community based prevention programs are most likely to keep kids off the street, and out of trouble. [27]

Alcohol Crimes

In 1996, 112,553 kids were arrested for violating liquor laws, 17,111 for drunkenness and 159,951 for disorderly conduct. By way of comparison, we arrested 4,128 for rape, and again, 2,172 for homicide.[28] *Put another way, we arrest kids for liquor law violations, drunkenness and disorderly conduct at 45 times the rate we arrest them for murder and rape combined.* Yet while murder arrests declined 30% since 1994, and rape arrests declined 15%, arrests of juveniles for liquor law violations are up 16%, drunkenness arrests are up 14%, and disorderly conduct arrests are up 15% over the same period.[29]

"All other offenses"

Last year, 112,231 kids were arrested for all violent crimes (homicide, rape, robbery and aggravated assault) combined. By way of comparison, the FBI reports that we arrested 329,070 children under the category of "all other offenses" combined.[30] "All other offenses" include all charges that are not sub-indexed by the FBI, and encompass, among other things, "admitting

minors to improper places, bigamy and polygamy, contempt of court, criminal anarchism, violation of state regulatory laws and municipal ordinances," and other non-violent offenses.[31] *In 1996, we arrested nearly three times as many children for "all other offenses" than all violent offenses, combined. "All other arrests" have risen 5% since 1994.* [32]

America arrests kids for the least serious offenses at 6 times the rate of all violent offenses combined.

Even though the number of robbery arrests has increased slightly, in the grand scheme of juvenile contacts with the law, violent offenses are dwarfed by kids arrests for petty crimes. *In 1996, we arrested kids for the least serious crimes (running away, curfew violations, suspicion and all other offenses) at six times the rate we arrested them for the four most serious crimes (murder, rape, robbery and aggravated assault).* [33]

Conclusion

Attorney General Janet Reno announced last October that juvenile crime is on the decline. The just-released Federal Bureau of Investigation's 1996 "Crime in the United States" survey showed that since 1994, the overall juvenile violent crime rate had dropped by 12 percent. Between 1994 and 1996, juvenile arrests of kids for homicide have declined by 30%, and 93.4% percent of all the counties in America report either one or no juvenile homicides. "I don't think we can talk about it as a blip," Reno said. "It stems from many factors....I think the decrease in juvenile violent arrests we are seeing today underscore the need for a real balance."[34]

At a time when the violent juvenile crime rate is declining, the Senate is poised to upset a balance which has, up until now, ensured that Kathy Robbins' suicide death in a jail was an isolated event. If the declining child crime rate didn't make this punitive approach seem ludicrous enough, the fact that the Senate is willing to risk the safety of runaways, curfew violators and children arrested for petty crimes by allowing them to be incarcerated in adult institutions should? During a 1997 round of judiciary hearings on S-10, Senator Session's brushed aside case studies which documented the risks kids face in adult jails, saying *"That's the Easy Rider story: some rural jail is going to get them..."*[35]

Is cinematic shorthand driving the Senate's legislative agenda? One wonders how it is possible our leaders could be so disconnected from the reality of most kids lives. *Why would people who say they are prosecuting a war against "violent crime" call for millions of teens to be suspended from high school for smoking? Why do they want to upset laws which safeguard teens*

against the risks kids face of rape, assault and suicide in adult institutions? Why is this legislation going after Dennis the Menace, when they say they are after Billy the Kid?

While the Justice Policy Institute agrees that "violent juvenile crime" is a real issue that needs to be addressed to keep our communities safe, a bill that premises it policies on the idea that runaways can be treated the same as murderers, and that millions of teens should be suspended for smoking should simply be withdrawn. The Senate's approach is simply too far removed from the current context of juvenile crime in America to effectively meet the needs of America's children, and the wider social need of making our towns and cities safe and secure.

Jason Ziedenberg and Vincent Schiraldi are researchers with The Justice Policy Institute.

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The Justice Policy Institute is a policy development and research body which promotes effective and sensible approaches to America's justice system.

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Washington University, Professor Randal G. Sheldon of the University of Nevada, and Mark Mauer, associate director of the Sentencing Project for reviewing this study

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[1]**Endnotes**

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[2] "Children in Jail," Editorial, November 3, 1985. *The Sacramento Bee.*

[3] "Teen's Jail Death Help Changes Law on Holding Juveniles," Monday, March 30, 1987, *The Los Angeles Daily Journal.*

[4] Ziedenberg, Jason and Schiraldi, Vincent. July, 1997. "The Risks Juveniles Face When They Are Incarcerated with Adults." Washington, D.C.: *The Justice Policy Institute.*

[5]Senate Subcommittee on Youth Violence, May 6, 1997

[6] Private correspondense between Sen. Sessions, and Sen. Orrin Hatch, to Senate Republicans, February 26, 1998.

[7] Chambliss, William J. "The Myth of Teenage "Super-Predators," Washington, DC: The Justice Policy Institute, 1998.

[8] Snyder, Howard N., Sickmund, Melissa, and Po-Yamagata, Eileen. (1996) Juvenile Offenders and Victims: 1996 Update on Violence. Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention.

[9] (1996, 1994) Crime in the United States: Uniform Crime Reports, Washington, DC: US Department of Justice.

[10] Chambliss, William J. "The Myth of Teenage "Super-Predators," Washington, DC: The Justice Policy Institute, 1998.

[11] (1996, 1994) Crime in the United States: Uniform Crime Reports, Washington, DC: US Department of Justice.

[12] The number of violent index offense juvenile arrests in 1996 (102,231) was subtracted from the total number arrests 2,103,658 to arrive at the figure 2,000,000. Federal Bureau of Investigation (1996) *Crime in the United States: Uniform Crime Reports.* Washington, D.C.: US Department of Justice.

[13] Under S-10, if a runaway is arrested on, for example, the Thursday before a long -weekend, they could spend up to 96-hours in adult detention before there was a chance to transfer them to a juvenile facility. The percentage was calculated as violent index arrests under 18, expressed over total juvenile arrests. Ibid.

[14] The Violent and Repeat Juvenile Offender Act of 1997, The United States Senate, hearings, October 9, 1997, p. 318.

[15] "Kids and Crimes," Editorial, Friday, February 6, 1998, *The Washington Post.*

[16]"Tobacco Related Statistics," *1995 National Household Survey on Drug Abuse,* SAMHSA, Washington, D.C.: U.S. Department of Health and Human Services.

[17] *"State Tobacco Control Highlights"*, Atlanta, Georgia: Center for Disease Control and Prevention, 1996.

[18] "Alcohol Use by Age," The National Household Survey on Drug Abuse: Population Estimates, SAMHSA, Washington, D.C.: US Department of Health and Human Services, 1996.

[19]The Office of Juvenile Justice and Delinquency prevention estimates higher number of arrests then actually reported by the Uniform Crime Reports. For example, in 1994, the UCR reported 3,016, and 151,899 runaway arrests, while the OJJDP "Juvenile Offenders and Victims: 1997 Update on Violence," estimates that there 3,700 homicides and 248,000 runaway arrests. To be consistent, we have chosen to the more conservative UCR data on runaway arrests.

[20] Federal Bureau of Investigation (1996). *Crime in the United States: Uniform Crime Reports.* Washington, D.C.: U.S. Department of Justice

[2115]Ibid.;(1995, 1994) *Crime in the United States: Uniform Crime Reports;.*

[22] This information is based on an analysis of the FBI's 1995 Supplemental Homicide Report data conducted at the National Center for Juvenile Justice for the *Juvenile Offenders and Victims: 1997 Update on Violence.* Sickmund, M., Snyder, H. & Poe-Yamagata, E. *Juvenile Offenders and Victims: 1997 Update on Violence.* Washington, DC: Office of Juvenile Justice and Delinquency Prevention, 1997

[23] Ibid.

[24]McCormack, A., Janus, M.D. and Burgess, A.W. 1986. "Runaway Youths and Sexual Victimization: Gender Differences in an Adolescent Runaway Population." *Child Abuse and Neglect* Vol. 10: 387-395.

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[27] "After-School Crime or After-School Programs: Tuning In to the Prime Time for Violent Juvenile Crime and Implications for National Policy," Washington, D.C.: Fight Crime: Invest in Kids, 1997.

[28] (1996) Crime in the United States.

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[30] Ibid.

[31] Uniform Crime Reporting Handbook: National Incident Based Reporting System Edition. Washington, D.C.: U.S. Department of Justice, Federal Bureau of Investigation, 1992.

[32] (1996) Crime in the United States.

[33] Ibid.

[34] Reno, Janet. "Press Conference of the Attorney General of the United States." Thursday, October 2, 1997.

[35]Senate Subcommittee on Youth Violence, hearings, May 6, 1997